IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT APPEAL NO.7 OF 2007
IN
CONTEMPT PETITION NO.69 OF 2005

Shaikh Jaibunnisa Abdul Latif and others .. Appellants
v/s.
Narinjan Singh Bajaj and others .. Respondents

Mr. S.M. Oak with Mr. Sagar Joshi for the appellants.
Mr. Sandesh Deshpande for the respondent Nos.1 to 6.
Mr. R.S. Apte for TMC.

CORAM : SWATANTER KUMAR, C.J. &
J.P. DEVADHAR, J.

DATED : 21ST NOVEMBER, 2007

P.C.

The present appeal is directed against the order of the learned Single Judge dated 6th March, 2007 passed in Contempt Petition No.69 of 2005. The said order reads as under:-

> "As the direction of the Court stands complied with, no further action is warranted in these proceedings. In the circumstances, the Contempt Petition is disposed of. The notice issued to the respondent contemnor stands discharged. It is made clear that any

> issue regarding enclosing the boundaries of the plot will have to be considered by the appropriate authority, in accordance with law."

2. At the very threshhold, the learned counsel for the respondent Nos.1 to 6 has raised preliminary objection with regard to the maintainability of the appeal under the provisions of section 19 of the Contempt of Court Act. It is contended on behalf of the appellants that the order in question is an order where the objections filed by the appellants were not considered in the light of the order of the Division Bench of this court passed in Contempt Appeal No.10 of 2006 and as such, it would be an order being without jurisdiction and therefore, appealable under the provisions of section 19 of the Act. Reliance is placed upon the judgment of the Supreme Court in the case of V.M. Manohar Prasad v. N. Ratnam Raju and another, 2004(13) SCC, 610. We are not impressed by this contention. It is true that the appellants had filed the appeal being Contempt Appeal No.10 of 2006 against the order of the learned Single Judge dated 13th September, 2006 and the Division Bench while declining to interfere in the said order had issued certain directions and observed that the objections raised by the appellants may be heard by the Single Judge and certainly protection against the eviction was granted for limited time. This order was challenged by the respondents in the present appeal before the Supreme

Court in which notice was issued and in the meanwhile, the order related to eviction of the appellants was stayed. The order of the Supreme Court dated 11th December, 2006 is stated to be in force till date and the matter is still pending.

3. In the impugned order, the learned Judge has categorically observed that the boundaries will have to be considered by the appropriate authority in accordance with law and also noticed that the directions of the court stand complied with.

4. In the circumstances aforestated, we do not think that the order dated 6th March, 2007 can squarely fall within the parameters stated by the Supreme Court in the case of V.M. Manohar Prasad (supra). This appeal exfacie is not even maintainable. Besides this, there is nothing on record before us to show that the present appellants had brought to the notice of the learned Single Judge as to which of the directions contained in the order of the Division Bench has not been complied with. The eviction was stayed for some time, but it is admitted that subsequently, possession has been handed over in compliance of the order of the learned Single Judge.

5. In the circumstances, we see no reason to interfere. Appeal is dismissed. The appellants are at liberty to approach

the learned Single Judge for appropriate directions, if so advised. No order as to costs.

CHIEF JUSTICE

J.P. DEVADHAR, J.